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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. This morning our prayer will be led by our guest Chaplain, Max Lucado, Minister of the Oak Hills Church of Christ, San Antonio, TX.

PRAYER

The guest Chaplain offered the following prayer:

Oh Lord, God of our Fathers. You are the God who is in heaven. You rule over all the kingdoms of the nations. Power and might are in Your hand, and no one can withstand You.—2 Chron. 20:6.

We declare Your sovereign strength and confess that all decisions of rulers, kings, parliaments, and Senators ultimately serve Your will.

Grant that these leaders may do just that. Bless them with faith and vision. Strengthen those who are weak. Heal those who are sick. Superintend the affairs of their families and finances. Quiet any fears. Remind them of Your unquenchable, unconditional love.

Set the compass needle of our hearts on You. Affirm us when we seek Your will; forgive and correct us when we don't. Speak to us about the brevity of this life and the beauty of the next. And, most of all, prepare our souls for the moment we meet You face to face.

By the source of mercy we pray. To You be the glory forever and ever. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, the Senate will resume debate immediately this morning on the Labor-HHS-Education appropriations bill. It is the first bill we are addressing coming back from our recess. We made significant progress on the bill on Tuesday and on Wednesday. I thank our colleagues for coming forward and offering their amendments. Today will be an important day as we wrap our hands around how many amendments we have so we can systematically address those and engage in debate and vote accordingly.

I inform all Members that rollcall votes will occur throughout the day today. It is our intention that we can set a vote on one or more amendments to occur this morning. Members will be notified when the first vote is scheduled.

I wish to make one final plea: That people come forward as soon as possible to talk to the managers and make it clear what their intentions are on the various amendments.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, while the majority leader is still on the floor, I would like to renew the managers' plea for amendments to come to the floor. There has been good cooperation with the distinguished assistant Democratic leader about moving toward the preparation of the list. If we are to finish this bill and get it completed before September 30, we are going to move ahead with expeditious diligence. If we do not get it completed by September 30, we are going to lose \$3 billion. This is a very tight bill as it stands at the present time.

There is always concern about what is going to happen on Friday. In my capacity as manager of the bill, it is my desire to move ahead and have substantive votes tomorrow morning. Our custom is to conclude by noon, but I believe we are going to have to do that

if we are going to finish this bill in a timely way.

There is word that there are 13 amendments ready to go today, which is good. But we may be a little slow getting out of the box here with amendments being ready to come to the floor as early as 10 o'clock. The Senator from Florida, Mr. NELSON, is ready to go. But that may be a short amendment.

I think it would be advisable to work on into the evening with the stacking of votes tomorrow morning early. There might be an earlier departure, if we have a list, if we know where we are going, and if we see that there would be a conclusion, say, next Tuesday.

This is an issue where we have already been advised about the need to bring some Members in from the other side of the aisle.

We prefer not to schedule in accordance with the Presidential candidacies. But we understand that people can talk, and we want to work it out on a cooperative basis. That would be a Tuesday target to wrap it up completely. To accomplish that, we are going to have to go into the evening and have votes tomorrow morning—at least until midmorning, and perhaps until noon. At least that is as this manager sees it.

We did not complete as much work as we should have yesterday. The quorum call was on for a considerable period of time. As I have said repeatedly, that is sort of the bane of a manager's existence—trying to do third reading and go to completion.

The majority leader advised everyone on August 1—more than a month ago—to be ready with amendments. It is my hope that our colleagues will come forward with amendments so we can get a list and see precisely where we stand so we can accommodate a lot of conflicting and competing interests on schedules.

I hope we will proceed with amendments today. If we work into the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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evening, we could stack votes early in the morning and have a departure which would not be too late to accommodate the schedules of many Members who would like to understandably depart going back to their home States.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant Democratic leader.

Mr. REID. Mr. President, I say through you to the manager and distinguished majority leader that we are going to cooperate in every way we can to move this most important piece of legislation. We have eight appropriations bills and a short time to complete them. We will do the best we can to wrap them up as soon as possible.

Mr. FRIST. Mr. President, if I could ask that a few minutes be devoted to accommodate the Senator from Texas with comments on the guest Chaplain.

The PRESIDENT pro tempore. The Senator from Texas is recognized.

PASTOR MAX LUCADO

Mr. CORNYN. Mr. President, I appreciate the indulgence of the majority leader, the bill's managers, and Senator NELSON and Senator REID. Before we get on to the business of the day today, I wish to say a couple of words about our guest Chaplain, Max Lucado, who opened the Senate with prayer this morning.

Max is a longtime friend of mine and our family and is the minister of the Oak Hills Church in San Antonio. He has a wonderful wife, Denalyn, and he is a loving father to their children: Jenna, Andrea, and Sara.

Most people will know Max because of his best-selling books. Currently, he has more than 33 million books in print, and is America's leading inspirational author.

A half century ago, Dietrich Bonhoeffer wrote about the difference between "cheap grace" and "costly grace" when it comes to our faith. Cheap grace, he said, requires nothing of us but vague sentiment—but costly grace requires a lifetime of faithful sacrifice and service.

Someone who understands and embraces that kind of costly grace with a whole heart is a true disciple. By that definition, Max Lucado is a man who exemplifies what a disciple is and can be.

I thank Max for his service to Texas, to America, and today to the Senate, and also to his Creator who chose to set a disciple like him among us for such a time as this.

Thank you, Mr. President. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2660, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Specter amendment No. 1542, in the nature of a substitute.

Byrd amendment No. 1543 (to amendment No. 1542), to provide additional funding for education for the disadvantaged.

Akaka amendment No. 1544 (to amendment No. 1542), to provide funding for the Excellence in Economic Education Act of 2001.

Mikulski amendment No. 1552 (to amendment No. 1542), to increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs.

The PRESIDENT pro tempore. The Senator from Florida is recognized.

AMENDMENT NO. 1557 TO AMENDMENT NO. 1542

Mr. NELSON of Florida. Mr. President, I send to the desk an amendment.

The PRESIDENT pro tempore. Is there an objection to setting aside the pending amendments? If not, without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 1557.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a study and report on the propagation of concierge care)

On page 61, between lines 14 and 15, insert the following:

SEC. ____ GAO STUDY AND REPORT ON THE PROPAGATION OF CONCIERGE CARE.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on concierge care (as defined in paragraph (2)) to determine the extent to which such care—

(A) is used by medicare beneficiaries (as defined in section 1802(b)(5)(A) of the Social Security Act (42 U.S.C. 1395a(b)(5)(A))); and

(B) has impacted upon the access of medicare beneficiaries (as so defined) to items and services for which reimbursement is provided under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) CONCIERGE CARE.—In this section, the term "concierge care" means an arrangement under which, as a prerequisite for the provision of a health care item or service to an individual, a physician, practitioner (as described in section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C))), or other individual—

(A) charges a membership fee or another incidental fee to an individual desiring to receive the health care item or service from

such physician, practitioner, or other individual; or

(B) requires the individual desiring to receive the health care item or service from such physician, practitioner, or other individual to purchase an item or service.

(b) REPORT.—Not later than the date that is 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a)(1) together with such recommendations for legislative or administrative action as the Comptroller General determines to be appropriate.

Mr. NELSON of Florida. Mr. President, this is an amendment that I think is noncontroversial, that I am led to believe will be accepted by both sides. It calls for a study by the GAO of a practice that is going on in health care today that I have considerable concerns with, which could cause the beginning of the demise of a major part of Medicare, which is our health insurance system provided by the Federal Government for senior citizens.

The practice, interestingly, started in my State of Florida. It has spread to other States. We do not know the extent of this practice. That is one of the reasons for the GAO study that would take place over the next year and a half.

But here is what happens: Let's say a doctor has a patient list of some 3,000 patients, and the doctor wants to restrict his or her practice. So the doctor writes all of the patients—and what I am recounting right now is in fact what has happened in Florida—the doctor writes all of the patients and says: Henceforth, I am going to limit my practice. If you want to continue with me, you must pay an entrance fee of \$1,800 per year. In some cases it has been noted in articles that have appeared in periodicals such as the Los Angeles Times, the Washington Post, and the New York Times that that entrance fee is as high as \$20,000 per patient.

So what happens is, patients who have enjoyed the services of that physician in the physician-patient relationship, and who cannot afford the entrance fee, suddenly have to go elsewhere to seek their health care services.

You may say: Well, that sounds reasonable because we ought to have the opportunity for individuals to charge what they want for the services they provide as a physician. And, of course, that is our free market system way of doing things. But when part of the equation is a health insurance system funded by the Federal Government for senior citizens, and the doctor wants to continue to receive reimbursement by that health insurance system called Medicare, and the doctor is limiting the access of patients with an entrance fee which that patient must pay, then what we start to create under Medicare is a two-tier system of those who can afford it and those who cannot. It was never contemplated that is what Medicare would be.